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FILED
HARRISBURG

MAY 08 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'ANDREA, CLERK
Per (L)
DEPUTY CLERK

JUKEN WASHINGTON GORDON,
Plaintiff

v.

N. GONZALEZ, et al.,
Defendants

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:
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:

CIVIL NO. 1:CV-01-0331

(Judge Rambo)

DEFENDANTS' MOTION FOR PROTECTIVE ORDER
PURSUANT TO FED. R. CIV. P. 26(c)

Defendants, by and through the undersigned Assistant United States Attorney, hereby move this Court for a protective order to stay discovery pursuant to Federal Rule of Civil Procedure 26(c) and, in support thereof, state as follows:

1. On February 22, 2001, the plaintiff, Juken Washington Gordon, filed the complaint in this action.

2. On April 6, 2001, defendants were served with the summons and complaint.

3. On April 10, 2001, Gordon served a Motion for Production of Evidence upon the defendants.

4. Undersigned counsel states that she has not yet received authorization by the Civil Division of the United States Department of Justice to represent defendants in this matter.

5. The United States is in the process of gathering information regarding Gordon's claims against defendants from legal counsel at the United States Penitentiary at Lewisburg, Pennsylvania ("USP Lewisburg"). A report from legal counsel at USP Lewisburg is not expected to be received until May 22, 2001.

6. Upon receipt of authorization from the Department of Justice to represent defendants, and upon receipt of information regarding Gordon's claims against defendants from legal counsel at USP Lewisburg, the undersigned expects to file a dispositive motion on behalf of the defendants in this case.

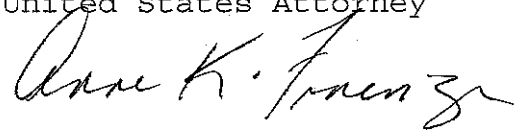
7. Discovery at this time is premature and unduly burdensome in that Gordon's complaint may be subject to dismissal without a merits analysis. Thus, Gordon's discovery may not be required, in whole or in part, following resolution of the dispositive motion.

WHEREFORE, the United States requests this Court to stay discovery and to order that the United States is not required to respond to Gordon's discovery motion, if necessary, until thirty

days after the Court resolves the defendants' anticipated dispositive motion.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney



ANNE K. FIORENZA
Assistant U.S. Attorney
ANITA L. LIGHTNER
Paralegal Specialist
228 Walnut Street, 2nd Floor
P.O. Box 11754
Harrisburg, PA 17108-1754

Dated: May ~~10~~₈, 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON, :
Plaintiff :
 : CIVIL NO. 1:CV-01-0331
v. :
 : (Judge Rambo)
N. GONZALEZ, et al., :
Defendants :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 10th day of May, 2001, she served a copy of the attached

DEFENDANTS' MOTION FOR PROTECTIVE ORDER
PURSUANT TO FED. R. CIV. P. 26(C)

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Juken Washington Gordon
Reg. No. 05373-088
USP Allenwood
P.O. Box 3000
White Deer, PA 17887


ANITA L. LIGHTNER
Paralegal Specialist